

Message Text

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PAGE 01 GUAYAQ 01435 081905Z
ACTION EB-08

INFO OCT-01 ARA-14 ISO-00 FAA-00 DOTE-00 SCS-06 L-03
HA-05 H-02 /039 W

-----002275 090950Z /17

R 081729Z AUG 78
FM AMCONSUL GUAYAQUIL
TO AM WALDIN FAA SOUTHERN REGN INTL AV OFF ATLANTA GA
INFO AMEMBASSY QUITO
AMEMBASSY LIMA
SECSTATE WASHDC 6330

UNCLAS GUAYAQUIL 1435

LIMA FOR FAA REP

SECSTATE FOR EB/AVP

EO 11652: N/A
TAGS: EAIR, CASC, EC
SUBJ: W/W CASE OF ROBERT A. NICOLL, MR. AND MRS. JOSEPH C. SCHAUB

REF: URTEL OF 25 JUL 78

1. FOL IS UNOFFICIAL TRANSLATION OF ECUADOREAN
"AIR REGULATION" (REGLAMENTO DEL AIRE) THAT WAS VIOLATED
WHEN PILOT SCHAUB DEVIATED FROM REGISTERED FLIGHT PLAN:

"ARTICLE 39 - ALERT SERVICE FOR SEARCH AND RESCUE

1) GENERAL PRINCIPLES: THE PILOTS IN COMMAND OF AIRCRAFT
SHALL AVOID THE UNNECESSARY MOBILIZATION OF SEARCH AND
RESCUE UNITS, THAT IS, IN CREATING SITUATIONS IN WHICH
THEIR AIRCRAFT MAY BE ERRONEOUSLY DECLARED TO BE IN AN
EMERGENCY SITUATION.

2) RESPONSIBILITY: THE PILOT IN COMMAND OF THE AIRCRAFT
SHALL BE RESPONSIBLE FOR THE CONSEQUENCES OF AN
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PAGE 02 GUAYAQ 01435 081905Z

UNNECESSARY DECLARATION OF AN EMERGENCY SITUATION WHEN
IT IS PROVEN THAT IT WAS CAUSED BY THE PILOT'S NEGLIGENCE OR
FAILURE TO FOLLOW THE REGULATIONS WHICH ARE IN EFFECT.
NOTE - THE AIR TRANSIT CONTROL WILL DECLARE AN AIRCRAFT
TO BE IN AN EMERGENCY SITUATION IN THE FOLLOWING CASES:

A) IMMEDIATELY, THIRTY MINUTES AFTER THE HOUR SET FOR

THE AIRCRAFT TO ADVISE OF ITS POSITION IF COMMUNICATION HAS NOT BEEN ESTABLISHED.

B) IMMEDIATELY, THIRTY MINUTES AFTER THE HOUR SET FOR ARRIVAL IF THE AIRCRAFT HAS NOT ARRIVED NOR COMMUNICATED CONCERNING ITS ARRIVAL.

C) WHEN AN AIRCRAFT HAS BEEN AUTHORIZED TO LAND AND DOESN'T DO SO WITHIN FIVE MINUTES OF THE HOUR SET FOR LANDING IF THE AIRCRAFT HAS NOT LANDED NOR COMMUNICATED CONCERNING THE LANDING.

D) IN ALL CASES IN WHICH, THROUGH STATEMENTS OF THE PILOT IN COMMAND OF THE AIRCRAFT OR INFORMATION AT THE DISPOSAL OF THE AIR TRANSIT SERVICE, THERE IS UNCERTAINTY THAT THERE HAS COME ABOUT OR IS ABOUT TO COME ABOUT AN EMERGENCY SITUATION."

2. EXACT TEXT IN SPANISH IS AS FOLLOWS:

"ART. 39 - SERVICIO DE ALERTA PARA BUSQUEDA Y SALVAMIENTO.

1) PRINCIPIOS GENERALES: LOS PILOTOS AL MANDO DE AERONAVES EVITARAN QUE SE MOVILICEN INNECESARIAMENTE LOS ORGANISMOS DE BUSQUEDA Y SALVAMIENTO, PREVINIENDO EN TAL SENTIDO CREAR SITUACIONES EN QUE LAS AERONAVES PUEDAN UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GUAYAQ 01435 081905Z

LLEGAR A SER ERRONEAMENTE DECLARADAS EN CONDICION DE EMERGENCIA.

2) RESPONSABILIDAD: EL PILOTO AL MANDO DE LA AERONAVE ES RESPONSABLE DE LOS INCONVENIENTES QUE ORIGINE UNA DECLARACION DE SITUACION DE EMERGENCIA INNECESARIA, CUANDO SE PUEBE QUE HA SIDO PROVOCADA POR NEGLIGENCIA O INCUMPLIMIENTO DE LA REGLAMENTACION EN VIGENCIA POR PARTE DEL PILOTO.

NOTA.- LOS SERVICIOS DE CONTROL DE TRANSITO AEREO DECLARARAN A UNA AERONAVE EN SITUACION DE EMERGENCIA EN LOS SIGUIENTES CASOS:

A. INMEDIATAMENTE DESPUES DE HABER TRANSCURRIDO 30 MINUTOS DE LA HORA PREVISTA PARA QUE LA AERONAVE NOTIFIQUE SU POSICION SIN QUE SE HAYA ESTABLECIDO COMUNICACION CON LA MISMA.

B. INMEDIATAMENTE DESPUES DE HABER TRANSCURRIDO 30 MINUTOS DE LA HORA PREVISTA DE LLEGADA, SIN QUE LA AERONAVE LO HAYA HECHO O HAYA COMUNICADO AL RESPECTO.

C. CUANDO UNA AERONAVE HA SIDO AUTORIZADA PARA ATERRIZAR
Y NO LO HACE DENTRO DE LOS 5 MINUTOS SIGUIENTES A LA HORA
PREVISTA DE ATERRIZAJE, SIN HABER VUELTO A ESTABLECER
COMUNICACION CON LOS SERVICIOS DE TRANSITO AEREO.

D. EN TODO CASE EN QUE POR PROPIA DECLARACION DEL
PILOTO AL MANDO DE LA AERONAVE O INFORMES QUE DISPONGA
EL SERVICIO DE TRANSITO AEREO EXISTA INCERTIDUMBRE DE
QUE SE HA PRODUCIDO O SE ESTA POR PRODUCIR UNA SITUACION
DE EMERGENCIA."

3. POST WILL FORWARD COPY OF REPORT BY ECUADOREAN AUTHORITIES
CONCERNING THIS INCIDENT.
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PAGE 04 GUAYAQ 01435 081905Z

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
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Draft Date: 08 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
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Disposition History: n/a
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TAGS: EAIR, CASC, EC, (NICOLL, ROBERT A), (SCHAUB, JOSEPH C)
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